**HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE**

**WRIT PETITION No.13379 OF 2006**

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**Between:**

Manuguri Appaiah

**……Petitioner**

**And**

The Deputy Secretary to Government of India,
Ministry of Home Affairs, Freedom Fighters
Division, Lokh nayak Bhavan, New Delhi
and another

**……Respondents**

**:: ORDER ::**

Counsel for the Petitioner : Sri G. Ravi Mohan

Counsel for Respondent No.1 : Sri A. Samir Kumar Reddy,
Central Government
Standing Counsel

**Dated: 26-07-2006**

This is a petition for issue of a writ in the nature of mandamus to the respondents to decide the petitioner's application for pension under Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme').

Notice of the writ petition was issued on 03-07-2006. Copy of the writ petition was served on the learned Central Government Standing Counsel, but counter has not been filed. Sri Samir Kumar Reddy requests for time to enable respondent No.1 to file counter affidavit, but looking to the nature of the case and, in particular, the fact that the application made by the petitioner is yet to be decided by the competent authority, I do not consider it necessary to adjourn the case only for the purpose of filing counter affidavit by respondent No.1 and feel that ends of justice would be met by directing that the application made by the petitioner for grant of pension under the 1980 Scheme be decided within a specified time frame.

Hence, the writ petition is disposed of with the following directions:

(1) Within one month from the date of receipt of copy of this order, the competent authority shall scrutinize the papers submitted by the petitioner and inform him of the deficiency, if any.

(2) Within four weeks of the receipt of communication from the competent authority, the petitioner shall remove the deficiencies and/or supply papers necessary for substantiating his claim for grant of pension under the 1980 Scheme.

(3) Within six weeks from the receipt of papers from the petitioner, the competent authority shall again scrutinize the claim of the petitioner. If he is found

eligible and entitled to receive pension under the 1980 Scheme, then necessary direction be issued for release of pension in his favour. If, on the other hand, the competent authority comes to the conclusion that the petitioner is not eligible or entitled to receive pension, then a communication to that effect be sent to him incorporating the reasons for rejection of his claim.

(4) If the petitioner fails to submit the necessary papers in support of his claim in terms of para 2 above, then the competent authority shall be free to reject his application without considering the same on merits.

As a sequel to disposal of the writ petition, WPMP No.16632 of 2006 filed for directing the respondents to consider the petitioner's case for sanction of pension under the 1980 Scheme is disposed of as infructuous.

**G.S. SINGHVI, CJ**

**26-07-2006**

svs

Note: The Court Officer is directed to give attested copies of this order to the learned counsel for the petitioner and the learned Standing Counsel for the Central Government so as to facilitate early consideration of the petitioner's claim for grant of pension under the 1980 Scheme.

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